



**MEMORANDUM**

Agenda Item No. 8(F)(1)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 4, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution declaring surplus County-owned land legally described as tracts A & B Country Club of Miami Fairway Villas Section One Block 2 PB 91-97; waiving Administrative Order 8-4; authorizing a private sale to the Country Club of Miami Fairway Villas Section 1 Block 2 Association, Inc., for \$10.00, in accordance with F.S. 125.35(2); and authorizing execution of a County Deed for such purpose

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney


RAC/cp

# Memorandum



**Date:** September 4, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Resolution Declaring County-owned Land Surplus and Authorizing Conveyance to the Country Club of Miami Fairway Villas S1/B2 Association, Inc., Folio Numbers 30-2002-014-0350 and 30-2002-014-0360, located in the Country Club of Miami, Fairway Villas, Section One

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution which does the following:

- declares two County-owned properties located East of 7324 Bay Hill Drive (Parcel A), and East of 7323 Pepper Pike Drive (Parcel B) in the Country Club of Miami, Miami, Florida as surplus, and
- authorizes the two properties to be conveyed to the Country Club of Miami Fairway Villas S1/B2 Association, Inc., (Association) in accordance with Florida Statute 125.35(2); and waiving the requirements of Administrative Order 8-4 as it pertains to review by the Planning Advisory Board.

Property details are provided in the Background section and in the attached property maps.

## **SCOPE**

The properties identified in this item are located in County Commission District 13.

## **FISCAL IMPACT/FUNDING SOURCES**

Because these tracts of land automatically transferred (escheated) to the County for non-payment of real estate taxes, the County is responsible for their maintenance. Although the Association has been maintaining the property, the County continues to be liable for any incidents that may occur on the property.

Conveying both tracts to the Country Club of Miami Fairway Villas S1/B2 Association, Inc., will eliminate the County's obligation to maintain the property and prevent exposure to liability.

## **TRACK RECORD/MONITOR**

These properties are monitored by the Internal Services Department, Real Estate Development Division.

## **DELEGATION OF AUTHORITY**

Authorizes the County Mayor or County Mayor's designee to take all actions necessary to accomplish these conveyances; and authorizes the Chairperson or Vice Chairperson of the Board to execute a County Deed for such purpose.

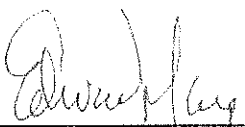
## **BACKGROUND**

Tracts A and B are two of five tracts (Tracts A, B, C, D & E) of land that were designated as non-buildable sites in the Country Club of Miami Fairway Villas Section One Plat (PB 91-97) and became part of the common elements to be maintained by the Country Club of Miami Fairway S2/B2

Association. Because they were designated as non-buildable, Tracts C, D, and E were removed from the tax rolls, but Tracts A and B were erroneously not, and on June 21, 2001, they escheated to the County for non-payment of taxes. In light of the fact that the two tracts of land were erroneously left on the tax roll, staff is recommending that they be conveyed to the Country Club of Miami Fairway Villas S1/B2 Association, Inc. for a nominal value of \$10.00.

Florida Statute 125.35(2) authorizes the sale and/or conveyance of non-buildable sites to an adjacent property owner when it is determined that such property is of use only to the adjacent owner, which in this case, is the Country Club of Miami Fairway Villas S1/B2 Association. The parcels are described as follows:

PARCEL A:	Folio No.:	30-2002-014-0350
	Location:	Adjacent East of 7324 Bay Hill Drive
	Size:	3,850 Square Feet
	District:	13
	Zoning:	RU-TH (Townhouse District)
	Assessed Value:	\$11,092
PARCEL B:	Folio No.:	30-2002-014-0360
	Location:	Adjacent East of 7323 Pepper Pike Drive
	Size:	1,882 Square Feet
	District:	13
	Zoning:	RU-TH (Townhouse District)
	Assessed Value:	\$4,287

  
Edward Marquez  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 4, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

A handwritten signature in black ink, appearing to read "R. A. Cuevas, Jr.", is written over the printed name.

**SUBJECT:** Agenda Item No. 8(F)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(F)(1)  
9-4-12

**RESOLUTION NO.** \_\_\_\_\_

RESOLUTION DECLARING SURPLUS COUNTY-OWNED LAND LEGALLY DESCRIBED AS TRACTS A & B COUNTRY CLUB OF MIAMI FAIRWAY VILLAS SECTION ONE BLOCK 2 PB 91-97; WAIVING ADMINISTRATIVE ORDER 8-4; AUTHORIZING A PRIVATE SALE TO THE COUNTRY CLUB OF MIAMI FAIRWAY VILLAS SECTION 1 BLOCK 2 ASSOCIATION, INC., FOR \$10.00, IN ACCORDANCE WITH F.S. 125.35(2); AND AUTHORIZING EXECUTION OF A COUNTY DEED FOR SUCH PURPOSE

**WHEREAS**, this Board desires to accomplish the purpose outlined in the accompanying memorandum, for the County-owned land legally described as Tracts A & B Country Club of Miami Fairway Villas Section One Block 2 PB 91-97, (the "Properties"); and

**WHEREAS**, the County acquired the Properties via tax deed; and

**WHEREAS**, the County has verified that the Properties are designated as common area in the condominium documents for the Country Club of Miami Fairway Villas, but were not conveyed to the Homeowner's Association by the developer; and

**WHEREAS**, the Properties remained on the tax rolls until they escheated to the County for non-payment of taxes; and

**WHEREAS**, the County has determined that the Properties are of no use to anyone but the Country Club of Miami Fairway Villas, Section One Block 2 Association, Inc., a non-profit Florida Corporation, due to the fact that they are restricted to common area use and are of insufficient size and shape to be issued a building permit,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

**Section 1.** This Board ratifies and accepts the prior recitals.

**Section 2.** This Board authorizes waiving Administrative Order 8-4 as it pertains to review by the Planning Advisory Board.

**Section 3.** Pursuant to Section 125.35(2) Florida Statutes, this Board hereby declares surplus County-owned land legally described as Tracts A & B Country Club of Miami Fairway Villas Section I Block 2 PB 91-97; authorizes the conveyance to the Country Club of Miami Fairway Villas Section One Block 2, Association, Inc., the adjacent property owner, for \$10.00; authorizes the County Mayor or the Mayor's designee to take all actions necessary to accomplish the conveyance of said land; and authorizes the execution of a County Deed, incorporated herein by reference, by the Board of County Commissioners acting by the Chairperson or Vice Chairperson of the Board.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Debra Herman



Instrument prepared by and returned to:  
Internal Services Department  
Real Estate Development Division  
111 N.W. 1 Street, Suite 2460  
Miami, Florida 33128-1907

Folio Nos: 30-2002-014-0350  
30-2002-014-0360

## COUNTY DEED

**THIS DEED**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 A.D. by MIAMI-DADE COUNTY, FLORIDA, a Political Subdivision of the State of Florida, party of the first part, whose address is: Stephen P. Clark Center, 111 N.W. 1 Street, Suite 17-202, Miami, Florida 33128-1963, and \_\_\_\_\_, party of the second part, whose address is \_\_\_\_\_, Florida

### WITNESSETH:

That the party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in Miami-Dade County, Florida:

### Tracts A & B COUNTRY CLUB OF MIAMI FAIRWAY VILLAS SECTION ONE PB 91-97

This grant conveys only the interest of the County and its Board of County Commissioners in the land herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

**IN WITNESS WHEREOF** the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson or Vice Chairperson of said Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairperson or Vice Chairperson

Approved for legal sufficiency: \_\_\_\_\_

The foregoing was authorized by Resolution No. R- \_\_\_\_\_ approved by the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.



Tax Deed File Number 93-1033  
Property Identification No. 30-2002-014-0350

01R347900 2001 JUL 03 10:45

T A X D E E D

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Tax Sale Certificate Number 89-12991 issued on June 01, 1990, and the application for the issuance of a tax deed was filed in the office of the Miami-Dade County Tax Collector. The applicant having paid or redeemed all other taxes or tax sale certificates on the property described below, and due notice of sale having been published, and no person entitled to do so having appeared to redeem said land, such land was sold for cash there having no bidders at the sale and Clerk having complied with Sec. 197.502(7) FS and Sec. 197.502(8) FS; the undersigned Clerk conveys the following land to whose address is: BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY  
111 NW 1 STREET  
MIAMI, FLA 33128

XXXXXXXXXXXXXXXXXXXX at the public sale held on May 19, 1994  
XXXXXXXXXXXXXXXXXXXX as required by the laws of this state.

NOW, on June 21, 2001 the County of Miami-Dade, State of Florida, in consideration of the sum of ( \$0.00 ) dollars does hereby convey the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in Miami-Dade County, Florida, and described as follows:

TRACT A COUNTRY CLUB OF MIAMI FAIRWAY VILLAS SECTION ONE PB  
91-97 CONTAINING .088 AC M/L

Witnessed by:

Delma Ortega  
DEIMA ORTEGA  
Sarah Davis  
SARAH DAVIS

HARVEY RUVIN  
Clerk of Circuit Court  
Miami-Dade County, Florida

BY:

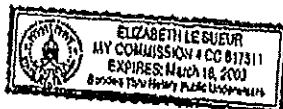
Shirley Shabazz  
DEPUTY CLERK



BEFORE ME, the undersigned notary public, personally appeared Shirley Shabazz, Deputy Clerk of the Circuit Court in and for Miami-Dade County, Florida, who is personally known to me and who acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

SWORN TO AND SUBSCRIBED BEFORE ME ON June 21, 2001

Elizabeth Lagueur  
Notary Public, State of Florida, At Large



This instrument prepared by  
Delma Ortega  
Deputy Clerk of Circuit Court  
Miami-Dade County, Florida

RECORDED IN OFFICIAL RECORDS BOOK  
OF MIAMI-DADE COUNTY, FLORIDA  
RECORD NUMBER  
HARVEY RUVIN  
CLERK CIRCUIT COURT

Tax Deed File Number 93-1034  
Property Identification No. 30-2002-014-0360

01R347902 2001 JUL 03 10:45

TAX DEED

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Tax Sale Certificate Number 89-12992 issued on June 01, 1990, and the application for the the issuance of a tax deed was filed in the office of the Miami-Dade County Tax Collector. The applicant having paid or redeemed all other taxes or tax sales certificates on the property described below, and due notice of sale having been published, and no person entitled to do so having appeared to redeem said land, such land was sold for cash there having no bidders at the sale and Clerk having complied with Sec. 197.502(7) FS and Sec. 197.502(8) FS; the Undersigned Clerk conveys the following land to

whose address is: BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY  
111 NW 1 STREET  
MIAMI, FLA 33128

XXXXXX the public sale held on May 19, 1994,  
XXXXXX as required by the laws of this state.

NOW, on June 21, 2001 the County of Miami-Dade, State of Florida, in consideration of the sum of ( \$0.00 ) dollars does hereby convey the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated Miami-Dade County, Florida, and described as follows:

TRACT B COUNTRY CLUB OF MIAMI FAIRWAY VILLAS SECTION ONE- PB  
91-97 CONTAINING .043 AC M/L

Witnessed by:

Delma Ortega  
DELMA ORTEGA

Sarah Davis  
SARAH DAVIS

HARVEY RUVIN  
Clerk of Circuit Court  
Miami-Dade County, Florida

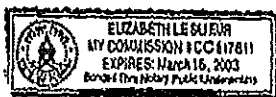
BY: Shirley Shabazz  
DEPUTY CLERK



BEFORE ME, the undersigned notary public, personally appeared Shirley Shabazz, Deputy Clerk of the Circuit Court in and for Miami-Dade County, Florida, who is personally known to me and who acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

SWORN TO AND SUBSCRIBED BEFORE ME ON June 21, 2001

[Signature]  
Notary Public, State of Florida, At Large



This instrument prepared by  
Delma Ortega  
Deputy Clerk of Circuit Court  
Miami-Dade County, Florida

cd rpt07 12/00

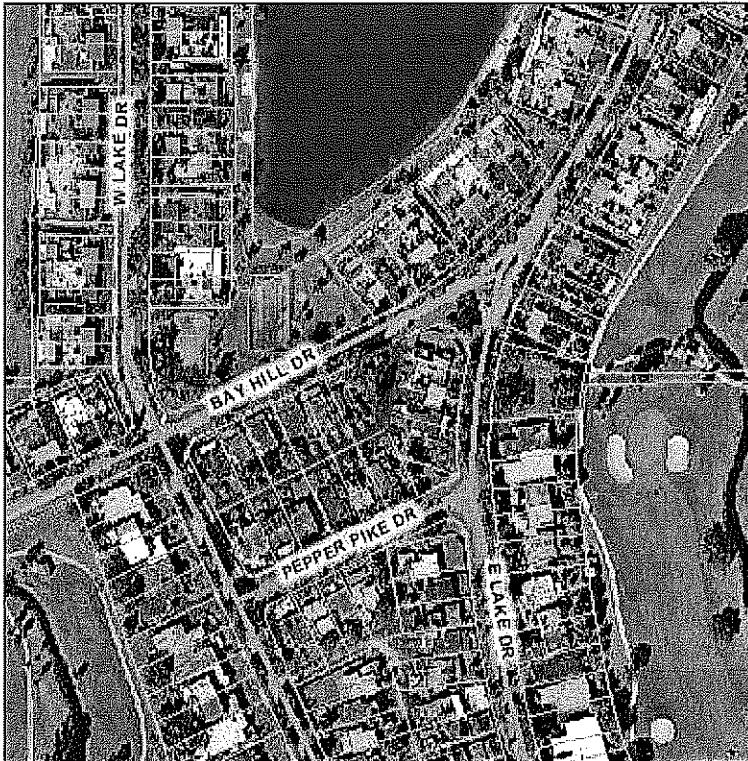
RECORDED IN OFFICIAL RECORDS BOOK  
OF MIAMI-DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT

**My Home**  
Miami-Dade County, Florida

**miamidade.gov**

**MIAMI-DADE**

**Property Information Map**



Aerial Photography - 2009

0 — 114 ft

This map was created on 6/11/2012 4:07:39 PM for reference purposes only.

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**Close**

**Summary Details:**

Folio No.:	30-2002-014-0350
Property:	
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

**Property Information:**

Primary Zone:	2800 TOWNHOME RESIDENTIAL
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	3,850 SQ FT
Year Built:	0
Legal Description:	.088 AC M/L COUNTRY CLUB OF MIAMI - FAIRWAY VILLAS SECTION ONE PB 91-97 TRACT A LOT SIZE SITE VALUE OR 19755- 1216 0601 3

**Assessment Information:**

Year:	2011	2010
Land Value:	\$11,092	\$245
Building Value:	\$0	\$0
Market Value:	\$11,092	\$245
Assessed Value:	\$11,092	\$245

**Taxable Value Information:**

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$11,092/\$0	\$245/\$0
County:	\$11,092/\$0	\$245/\$0
School Board:	\$11,092/\$0	\$245/\$0

**My Home**  
Miami-Dade County, Florida

**miamidade.gov**

**MIAMI-DADE**

**Property Information Map**



Aerial Photography - 2009

0 — 109 ft

This map was created on 6/11/2012 4:08:28 PM for reference purposes only.

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Close

**Summary Details:**

Folio No.:	30-2002-014-0360
Property:	
Mailing Address:	MIAMI-DADE COUNTY GSA R/E MGMT 111 NW 1 ST STE 2460 MIAMI FL 33128-1929

**Property Information:**

Primary Zone:	2800 TOWNHOME RESIDENTIAL
CLUC:	0080 VACANT LAND GOVERNMENT
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	1,882 SQ FT
Year Built:	0
Legal Description:	.043 AC M/L COUNTRY CLUB OF MIAMI - FAIRWAY VILLAS SECTION ONE PB 91-97 TRACT B LOT SIZE SITE VALUE OR 19755- 1219 0601 3

**Assessment Information:**

Year:	2011	2010
Land Value:	\$4,287	\$120
Building Value:	\$0	\$0
Market Value:	\$4,287	\$120
Assessed Value:	\$4,287	\$120

**Taxable Value Information:**

Year:	2011	2010
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$4,287/\$0	\$120/\$0
County:	\$4,287/\$0	\$120/\$0
School Board:	\$4,287/\$0	\$120/\$0